

Message Text

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ACTION IO-13

INFO OCT-01 EUR-25 ADP-00 AF-10 ARA-11 EA-11 NEA-10 RSC-01

CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-15 USIA-12 EB-11 TRSE-00 RSR-01 /159 W

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P R 122336 Z APR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 7472

INFO AMEMBASSY LONDON

LIMITED OFFICIAL USE USUN 1337

E. O. 11652: OCT 12, 1973

TAGS: PFOR, UN, RH

SUBJ: SC SANCTIONS COMITE

REF: USUN 1325 AND GRIGG- HALSTED TELCONS

1. SC SANCTIONS COMITE CONTINUED ITS DISCUSSION OF PARA 2 OF DRAFTING GROUP PAPER. BASED ON TELCON WITH DEPT, MISOFF PROPOSED FOLLOWING WORDING AT END OF REVISED PARA 2 "... OR IF CLEARED, WHOSE RECALL INTO CUSTOMS CUSTODY CAN BE DEMANDED IF SUBSEQUENTLY ESTABLISHED TO BE OF SOUTHERN RHODESIAN ORIGIN." IN INTRODUCING AMENDMENT, MISOFF STATED THIS WAS TO GIVE MORE PRECISION TO PARA AS WELL AS TAKE INTO ACCOUNT POSSIBILITY OF CERTAIN SR GOODS PASSING THROUGH CUSTOMS DUE LACK OF SUFFICIENT EVIDENCE FOR CARGO TO BE HELD AT TIME OF IMPORTATION BUT WHICH LATER BROUGHT TO ATTENTION OF CUSTOMS OFFICIALS AS GIVING RISE TO POSSIBILITY THEY WERE OF RHODESIAN ORIGIN.. SOVS AND YUGOSLAVS IMMEDIATELY CHARGED THAT US AMENDMENT GAVE APPEARANCE OF CREATING LOOPHOLE FOR GOVERNMENTS IN SENSE THAT THEY WERE FACED WITH " EITHER OR" SITUATION WHEREBY THEY COULD IN FACT TAKE US AMENDMENT AS ATTEMPT TO AVOID CHECKING CAREFULLY GOODS EMANATING FROM SOUTH AFRICA AND PORTUGUESE TERRITORIES. IN ORDER AVOID SUBSTANTIVE DISCUSSION OF US AMENDMENT AS WELL AS GET IT ADOPTED WITH MINIMUM OF DIFFICULTY, MISOFF INSISTED US AMENDMNT WAS NOT ATTEMPT TO PROVIDE LOOPHOLE FOR ANY LIMITED OFFICIAL USE

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GOVERNMENT, BUT WAS ATTEMPT TO CLARIFY SITUATION AND TO TAKE INTO ACCOUNT POSSIBILITY OF RHODESIAN GOODS GOING THROUGH

CUSTOMS DESPITE CAREFUL CHECKING. AUSTRALIAN AND UK DELS THEN PROPOSED AMENDMENT TO US PROPOSAL WHICH WOULD READ: "... AND IF CLEARED CAN BE RECALLED INTO CUSTOMS CUSTODY IF SUBSEQUENTLY ESTABLISHED TO BE OF SR ORIGIN." INDIAN DEL THEN PROPOSED THAT US AMENDMENT CONSIST OF A SEPARATE SENTENCE WHICH WOULD READ: "... IF SUBSEQUENTLY SUSPECTED (OR ESTABLISHED) TO BE OF SR ORIGIN SUCH PROCEDURES SHOULD PERMIT THE RECALL INTO CUSTOMS CUSTODY OF SUCH GOODS." ALTHOUGH NOT FORMALLY TABLED, UK PASSED TO MISOFF A SUGGESTED REOWRDING WHICH WOULD BE " THE PROCEDURES SHOULD ALSO PROVIDE THAT IF NEVERTHELESS SUCH GOODS ARE SUBSEQUENTLY ESTABLISHED AS BEING OF SR ORIGIN THEY COULD BE RECALLED INTO CUSTOMS CUSTODY." DISCUSSION ON PARA 2 WAS THEN POSTPONED TO A SUBSEQUENT MEETING.

2. COMITE THEN TOOD UP PARAS 6 AND 7 IN UNAGREED PORTION OF DRAFTING GROUP' S PAPER. IT WAS SUGGESTED BY INDIA THAT REFERENCE"... IN ACCORDANCE WITH THEIR DOMESTIC REGULATIONS". BE DELETED AS SHOULD BE WHOLE SECOND SENTENCE OF PARA 6. SECOND SENTENCE, HOWEVER, WOULD BE REPLACED BY SENTENCE READING: "... SUCH SEIZURES SHOULD BE CONDUCTED IN ACCORDANCE WITH THE DOMESTIC REGULATIONS AND PROCEDURES OF THE SEIZING COUNTRY." UK SUGGESTED ADDITION OF FOLLOWING TO INDIAN AMENDMENT: " ESPECIALLY THOSE BASED ON RELEVANT SC RESES."

3. REGARDING PARA 7, IT WAS SUGGESTED THAT WORDING IN LAST BRACKET BE INCLUDED. IT WAS ALSO SUGGESTED THAT AT END OF FIRST SENTENCE OF THIS PARA FOLLOWING SHOULD BE ADDED: "... AFTER THE DEDUCTION OF THE EXPENSES OF SANCTIONS ENFORCEMENT."

4. BRITISH SEEMED PREPARED TO ACCEPT INDIAN SUGGESTION FOR NEW SECOND SENTENCE IN PARA 6 AND ALSO SEEMED PREPARED TO ACCEPT INCLUSION OF WORDING IN LAST BRACKETS O

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Message Attributes

Automatic Decaptioning: X
Capture Date: 02 APR 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 12 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: thigpegh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN01337
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: USUN NY
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730459/abqcdzad.tel
Line Count: 86
Locator: TEXT ON-LINE
Office: n/a
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: USUN 1325 AND GRIGG- HALSTED TELCONS
Review Action: RELEASED, APPROVED
Review Authority: thigpegh
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 03 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Aug-2001 by worrelsw>; APPROVED <07-Nov-2001 by thigpegh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SC SANCTIONS COMITE
TAGS: PFOR, UN, RH
To: STATE INFO LONDON
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005